

2655

S/N 09/911,143

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: WADA, et al. Examiner: J. Ortiz Criado  
Serial No.: 09/911,143 Group Art Unit: 2655  
Filed: July 23, 2001 Docket No.: 10873.772US01  
Title: OPTICAL ELEMENT, OPTICAL HEAD, OPTICAL RECORDING  
REPRODUCING APPARATUS AND OPTICAL RECORDING/  
REPRODUCING METHOD

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 February 23, 2005.

By:

Name: Peggy Kerkhove

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(c))**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner. At least some of the references were recently cited in a Japanese Office Action mailed February 7, 2005.

This statement should be considered because it is submitted after the mailing date of a first Office Action on-the-merits or a first Office Action after filing a Request for Continued Examination under 37 C.F.R. § 1.114 or a CPA under 37 C.F.R. § 1.53(d), but before the mailing date of: i) a final action under 37 C.F.R. § 1.113; ii) a Notice of Allowance under 37 C.F.R. § 1.311; or iii) an action that otherwise closes prosecution on the application. No fee is due as this statement is submitted as certified below under 37 C.F.R. §1.97(e)(1) or (2) by the undersigned.

**Certification Under 37 C.F.R. §1.97(e)(1)**

In accordance with 37 C.F.R. §1.97(c) or §1.97(d), the undersigned hereby certifies that each item of information listed on the enclosed Form 1449 was first cited in a communication from a foreign patent office in a counterpart foreign application within three months of filing this statement.

**Certification Under 37 C.F.R. § 1.704(d)**

In accordance with 37 C.F.R. § 1.704(d), the undersigned hereby certifies that each item listed on the enclosed Form 1449 was cited in a communication from a foreign patent office in a counterpart application, and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty (30) days prior to the filing of this Information Disclosure Statement. Accordingly, no patent term adjustment is due for the filing of this Information Disclosure Statement.

In accordance with 37 C.F.R. § 1.98(a)(2), a copy of each document or other information listed on the enclosed Form 1449 is provided.

A concise explanation of the relevance of each non-English language document or other information is as follows (37 C.F.R. § 1.98(a)(3)):

US 5,846,626 is an English equivalent of JP 8-235638. An English abstract has been included for JP 10-222870.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

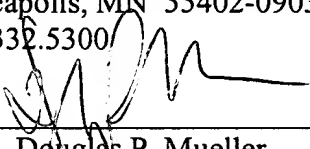
Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

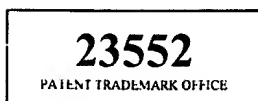
Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
(612)332.5300

Dated: February 23, 2005

By:   
Douglas P. Mueller  
Reg. No. 30,300

DPM/pjk



FORM 1449\*

## INFORMATION DISCLOSURE STATEMENT

## IN AN APPLICATION

(Use several sheets if necessary)

Docket Number:

10873.772US01

Application Number:

09/911,143

Applicant: WADA, et al.

Filing Date: July 23, 2001

Group Art Unit: 2655

U.S. PATENT DOCUMENTS

EXAMINER  
INITIAL

DOCUMENT NO.

DATE \_\_\_\_\_

NAME \_\_\_\_\_

**CLASS**

SUBCLASS

FILING DATE  
IF APPROPRIATE

5,846,626

December, 1998

Kashiwagi, et al.

## FOREIGN PATENT DOCUMENTS

DOCUMENT NO.

DATE \_\_\_\_\_

COUNTRY

CLASS

SUBCLASS

TRANSLATION

YES

NO

8-235638

September, 1996

## Japan

10-222870

August, 1998

## Japan

## Abstract

**OTHER DOCUMENTS** (Including Author, Title, Date, Pertinent Pages, Etc.)

**23552**

PATENT TRADEMARK OFFICE

**EXAMINER**

DATE CONSIDERED

**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: WADA, et al.  
Serial No.: 09/911,143  
Filed: July 23, 2001  
Confirmation No.: 4482

Examiner: J. Ortiz Criado  
Group Art Unit: 2655  
Docket: 10873.772US01  
Notice of Allow. n/a  
Date:

Due Date: n/a

Title: OPTICAL ELEMENT, OPTICAL HEAD, OPTICAL RECORDING REPRODUCING APPARATUS AND OPTICAL RECORDING/ REPRODUCING METHOD

**CERTIFICATE UNDER 37 CFR 1.8:**

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By: Peggy Kerkhove

Name: Peggy Kerkhove

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**23552**

PATENT TRADEMARK OFFICE

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Supplemental Information Disclosure Statement, Form 1449, 3 Reference(s), Copy of Japanese Office Action
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

Merchant & Gould P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
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By: Douglas P. Mueller

Name: Douglas P. Mueller

Reg. No.: 30,300

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